

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-6, 9-10, 12-16, 19-30 and 32-34 are pending. By this Amendment, Claims 1, 3-6, 12-16 and 19-30 are amended, claims 7, 8, 11, 17 and 18 are cancelled, and claims 33 and 34 are added.. Claims 1 and 12-15 are the independent claims.

**Examiner Interview**

Applicants thank the Examiner for granting the interview conducted on June 8, 2010. During the interview, Applicants discussed the rejection to the pending claims under 35 U.S.C. §103(a). In particular, Applicants discussed the features of the claimed invention, and the Yamane and Kato references. Initially, during the interview, Applicants noted that Kato is not prior art for the reasons discussed below. Also, differences between the Kato and Yamane references were discussed. For instance, Applicants noted that Yamane teaches a different file structure than Kato, and that neither Kato nor Yamane teach the newly recited features of claim 1. For example, none of the cited references teach “the map identifies the address for the at least one entry point by identifying the packet number of the data packets, and a path change among the multiple reproduction paths is performed at the entry point identified by the map” as required by claim 1. In contrast, Yamane relates to DVD technology, which does not utilize EP maps, entry points, or packet numbers. Therefore, Yamane cannot possibly teach the newly recited features of claim 1.

Furthermore, Applicants briefly discussed the features of revised claim 4 and the Yamane reference. For instance, revised claim 4 requires that “a size of the interleaving unit and the number of entry points in the interleaving unit are

determined to meet a buffer occupancy of a reproducing apparatus." For instance, claim 4 requires that the "number of jumping points" within an interleaving unit is taken into account for buffer occupancy. At most, Yamane can be said to take into account only the size of interleaving units for buffer control. See Yamane, column 16, lines 4-15. However, Yamane does not consider the number of jumping points within the interleaving unit so as to meet the buffer occupancy. Therefore, Yamane cannot possibly disclose or suggest these features.

As a result, Applicants submit that this application is now in a condition for allowance. A Notice of Allowance is requestfully requested. If anything should prevent this application from proceeding to allowance, the Examiner is requested to call Jared Scholz at 703-668-8006.

#### Claims Rejection under 35 U.S.C. §102

The Examiner has rejected claims 1, 12-19, 22, 25, 28 and 31 under 35 U.S.C. § 102(e) as being anticipated by Kato et al. (U.S Patent Publication 2005/0019007, hereinafter "Kato").

Kato is not prior art under 35 U.S.C. §102(e), or any other section of 35 U.S.C. §102 because the PCT application of Kato was published in *Japanese*. For instance, Kato is a US national stage application of PCT Application No. PCT/JP01/03414, which was published in *Japanese* on November 1, 2001. M.P.E.P. §706.02(f)(1) states that "[a]ll references, whether the WIPO publication, the U.S. patent application publication or the U.S. patent of an international application (IA) that was filed on or after November 29, 2000 but was not published in **English** under PCT Article 21(2) have **no 35 U.S.C. §102(e)** prior art date at all."

See Example 5 in M.P.E.P. §706(f)(1). Because Kato was filed after November 29,

2000 and PCT/JP01/03414 was published in *Japanese*, Kato cannot be used as a reference under 35 U.S.C. §102(e). In addition, Kato would not qualify as prior art under 35 U.S.C. §102(a) or 102(b), or any other section of 102 because the effective filing date of this application precedes the publication date of Kato.

As such, Applicants respectfully request that this rejection be withdrawn.

**Claims Rejection under 35 U.S.C. §103**

The Examiner has rejected claims 2-11, 20, 21, 23, 24, 26, 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Kato in view of Yamane et al (U.S. Patent 6,393,196, hereinafter "Yamane"). Yamane fails to overcome the deficiencies of Kato for the reasons discussed above. Therefore, Yamane cannot possibly render these claims obvious to one of ordinary skill in the art. As such, Applicants respectfully request that this rejection be withdrawn.

**CONCLUSION**

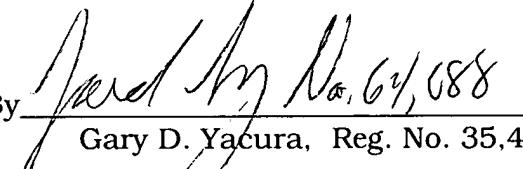
In view of above remarks and amendments, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

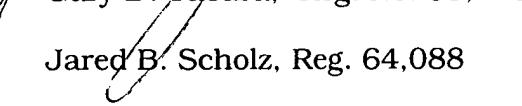
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By   
Gary D. Yacura, Reg. No. 35,416

  
Jared B. Scholz, Reg. 64,088

P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000

GDY/JBS:gew  
954384.1